

1 have any questions or you need clarification of  
2 any of the questions presented to you, please  
3 feel free to stop and ask either the person  
4 questioning you or your counsel, and we'd be  
5 happy to make sure that any questions are  
6 clarified for your benefit.

7 A Thank you very much.

8 Q You're welcome. Miss Kreisman, what  
9 is your current position?

10 A I'm chief of the video services  
11 division. That's in the mass media bureau.

12 Q Of the Federal Communications  
13 Commission?

14 A That's correct.

15 Q How long have you been in that  
16 position?

17 A I've been in this position since, I  
18 believe, December 1989.

19 Q And how long have you been at the FCC  
20 in all?

21 A I started in the FCC in 1972.

22 Q Are you an attorney by training?

1           A     Or 1973, actually. Sorry.

2           Q     Are you an attorney by training?

3           A     Yes, I am.

4           Q     Now, the hearing in connection with  
5     which we're conducting this deposition includes  
6     in its caption three applications filed by  
7     Rainbow Broadcasting Company, and for shorthand  
8     purposes, I'll refer to Rainbow Broadcasting  
9     Company as RBC.

10                   Those applications include two  
11     applications for extension of RBC's  
12     construction permit for Channel 65 in Orlando  
13     and one application for consent to the  
14     assignment of that permit.

15                   Are you generally familiar with those  
16     applications?

17           A     Generally familiar.

18           Q     During the period of time January  
19     1991, when the first of those applications was  
20     filed, through July of 1993, did you have any  
21     oral communications with anyone acting on  
22     behalf of Rainbow Broadcasting Company, RBC,

1 with respect to any RBC application which was  
2 pending before the mass media bureau at the  
3 time of the communication?

4 A Yes.

5 Q How many such communications did you  
6 have?

7 A I do not remember.

8 Q Miss Kreisman, in the discovery phase  
9 of this proceeding, Press Broadcasting  
10 requested of Rainbow Broadcasting Company the  
11 production of documents of the law firm of  
12 Renouf & Polivy reflecting contacts between  
13 representatives of that firm and members of the  
14 Commission's staff.

15 I'm going to show you now a document  
16 which was produced by RBC. Hold on.

17 A Sorry.

18 Q I'll give you the stapled copy. In  
19 connection with that -- and I will pass the  
20 right copies to counsel all around the table.

21 And I ask you just to review that and  
22 I'll ask if that refreshes your recollection

1 about the number of contacts or communications  
2 in which you were involved relating to RBC  
3 applications.

4 A The document appears to say that in  
5 July of 1993, there is a contact with me on  
6 July 30 and July 29 and July 20. Correct?

7 Q All right.

8 A That's my reading of it.

9 Q That appears to be the case, but I  
10 didn't create the document. It was provided to  
11 me, and I'm just seeing if this refreshes your  
12 recollection in any way.

13 A It does not refresh my recollection,  
14 but it certainly looks reasonable that during  
15 that time period, there could have been those  
16 contacts.

17 Q Do you recall whether the oral  
18 communications that you have just mentioned  
19 were by telephone or in person?

20 A With respect to Miss Polivy, I  
21 remember there were some telephone calls. I  
22 only remember one in-person meeting, and that

1 was the meeting of July 1.

2 Q So you specifically recall the July 1  
3 meeting and then some telephone calls.

4 A Correct.

5 Q With respect to the July 1 meeting --  
6 let's start there, because that's the one that  
7 you specifically referenced.

8 Where was that meeting held?

9 A In Roy Stewart's office.

10 Q And did you yourself make the  
11 arrangements for the meeting?

12 A No, I did not.

13 Q Who participated in that meeting on  
14 behalf of RBC?

15 A Miss Polivy was there as counsel, and  
16 her client was there -- I forgot his name--.  
17 And that's all who I remember with respect to  
18 the outside counsel or outside people.

19 Q Do you recall whether Miss Polivy's  
20 client's name was Joseph Rey?

21 A It could have been. I just have no  
22 specific recollection.

1           Q     Now, at any time during the July 1,  
2     1993, meeting, did Miss Polivy or Mr. Rey say  
3     anything about the Commission's ex parte rules?

4           A     No.

5           Q     At any time during the July 1  
6     meeting, did Miss Polivy or Mr. Rey say  
7     anything about the applicability of the ex  
8     parte rules to the meeting that was taking  
9     place?

10          A     No.

11          Q     At any time during the July 1  
12     meeting, did Mr. Rey or Miss Polivy say  
13     anything which you understood to relate in any  
14     way to the Commission's ex parte rules or to  
15     the applicability of those rules to the  
16     meeting?

17          A     No.

18          Q     At any time during the July 1  
19     meeting, did you say anything to Miss Polivy or  
20     Mr. Rey about the Commission's ex parte rules?

21          A     No.

22          Q     At any time during the July 1

1 meeting, did you say anything to Miss Polivy or  
2 Mr. Rey about the applicability of the ex parte  
3 rules to the meeting that was taking place?

4 A No.

5 Q Let's go back to the telephone calls,  
6 the conversations you had with Miss Polivy.

7 Did you place those calls, or were  
8 they incoming to you?

9 A My recollection is that they were all  
10 incoming to me. If I had placed any, it would  
11 have been in response -- a return call. I  
12 don't have a recollection whether I was -- I  
13 returned any calls or not.

14 Q And the only other person involved in  
15 those conversations was Miss Polivy?

16 A That's correct.

17 Q And do you recall approximately how  
18 many phone calls there were?

19 A I remember a couple. I don't  
20 remember -- I would say less than four.

21 Q Were these before or after the July 1  
22 meeting? If you recall?

1           A     I don't really remember for sure when  
2     they were -- sometime while the matter was  
3     pending. They could have very well been after  
4     the meeting. They could have just as well been  
5     before.

6           Q     At any time during any of those  
7     telephone conversations with Miss Polivy, did  
8     she say anything about the Commission's ex  
9     parte rules to you?

10          A     No.

11          Q     At any time during any of those  
12     conversations with Miss Polivy, did she say  
13     anything about the applicability of the ex  
14     parte rules to the conversation?

15          A     No.

16          Q     At any time during the conversations,  
17     any of the conversations with Miss Polivy, did  
18     she say anything which you understood to relate  
19     in any way to the Commission's ex parte rules  
20     or their applicability to the conversation you  
21     were having?

22          A     No.



1           Q     At any time during any of the  
2           conversations with Miss Polivy, did you say  
3           anything to her about the Commission's ex parte  
4           rules?

5           A     No.

6           Q     At any time during any of the  
7           conversations with Miss Polivy, did you say  
8           anything to her about the applicability of the  
9           ex parte rules to the conversation you were  
10          having?

11          A     No.

12          Q     Miss Kreisman, would it be accurate  
13          to state that at no time, in any oral  
14          communication between you and anyone acting on  
15          behalf of RBC, did either you or the person or  
16          persons with whom you were communicating say  
17          anything about the ex parte rules?

18          A     That is a correct statement.

19          Q     Would it also be accurate to state  
20          that, at no time in any oral communication  
21          between you and anyone acting on behalf of RBC,  
22          did either you or that person or persons say

1 anything about the applicability of the ex  
2 parte rules to the communication which was  
3 taking place?

4 A That's correct.

5 Q And is it also accurate to state that  
6 at no time, in any communication between you  
7 and anyone acting on behalf of RBC, did the  
8 person or persons with whom you were  
9 communicating say anything which you understood  
10 to relate in any way to the ex parte rules or  
11 the applicability of the ex parte rules to the  
12 communication that was taking place?

13 A That's correct.

14 MR. COLE: I have no further  
15 questions.

16 EXAMINATION BY COUNSEL FOR RAINBOW  
17 BROADCASTING, LIMITED

18 BY MS. POLIVY:

19 Q I guess I'm next. My name is Margot  
20 Polivy, and I won't keep you very long.

21 I would like to ask you if you would  
22 take a look at the deposition exhibit that you

1 have been given and tell me if you see any  
2 contacts with you prior to the July 1 meeting.

3 A Prior to the July 1 meeting?

4 Q Yes.

5 A No, I see no contacts with me prior  
6 to the July 1 meeting.

7 Q And do you recall any of your own  
8 recollection?

9 A No, I don't. I have no reason to  
10 dispute the accuracy of your records.

11 Q My next question is that, with  
12 respect to the contacts that are shown  
13 subsequent to the July 1 meeting, would you  
14 characterize those as status calls or something  
15 other than status calls?

16 A I would characterize them as status  
17 calls. I don't know what the one quarter means  
18 here on the records, but I -- I don't remember  
19 them as being more than a few minutes or a  
20 minute call.

21 Q Okay. At any time -- I know Mr. Cole  
22 has asked you, perhaps, partially this, but at

1 any time do you recall ever having a  
2 conversation with Rainbow or its counsel on the  
3 subject of ex parte?

4 A No, I remember no such conversation.

5 MS. POLIVY: I have no further  
6 questions.

7 EXAMINATION BY COUNSEL FOR RAINBOW  
8 BROADCASTING COMPANY, INC.

9 BY MR. MOSKOWITZ:

10 Q Good morning, Miss Kreisman.

11 A Hi.

12 Q Hi. I'm Allan Moskowitz. I'd like  
13 to ask you about the July 1 meeting that you  
14 attended in Mr. Stewart's office, I believe  
15 with Miss Polivy and her client.

16 At any time during that meeting was  
17 the fact that Rainbow's applications were  
18 contested -- did that fact arise? Was that  
19 discussed?

20 A I don't have any specific  
21 recollection that that was discussed. My  
22 inclination is to say no.

1 MR. MOSKOWITZ: Thank you very much.  
2 I have no further questions.

3 MR. BLOCK: Good morning. My name is  
4 Stuart Block from the separate trial staff, and  
5 with me is David Silverman. I think all the  
6 questions that are appropriate to this  
7 deposition have been asked, so I'm not going to  
8 ask you any more.

9 MR. DZIEDZIC: Thank you very much,  
10 Mr. Block.

11 May the witness be excused?

12 FURTHER EXAMINATION BY COUNSEL FOR  
13 PRESS BROADCASTING COMPANY  
14 BY MR. COLE:

15 Q I have one follow-up question on Miss  
16 Polivy.

17 Miss Kreisman, you stated, I recall,  
18 in response to Miss Polivy's question that the  
19 communications reflected in this document.  
20 And, by the way, we should have this document  
21 marked as an exhibit, since we've --

22 MS. POLIVY: Oh. I'm sorry. You

1 didn't?

2 MR. COLE: No, I didn't have it  
3 marked because I wasn't sure we were going to  
4 use it, but I will have that done in a moment.

5 BY MR. COLE:

6 Q But you stated that the conversations  
7 were status calls, to the best of your  
8 recollection?

9 A Right.

10 Q Was that testimony intended to  
11 include the July 1 meeting as well as the  
12 status call?

13 A You were talking about telephone  
14 calls, I thought. She wasn't talk talking the  
15 about July meeting.

16 Q Okay. That's fine. That's all I  
17 need.

18 MR. COLE: And I have no further  
19 questions. But while you're still here, Mr.  
20 Reporter, I would like to have marked for  
21 identification, as Kreisman Deposition Exhibit  
22 No. 1, a document which is seven pages in

1 length and appears to be a series of  
2 handwritten ledger sheet entries with dates  
3 running down the left-hand side in a column.  
4 And then there are entries put in next to the  
5 dates toward the center of the page.

6 Could you mark that as Deposition  
7 Exhibit No. 1. And I have no further  
8 questions.

9 MR. DZIEDZIC: We'll read.

10 (Kreisman Deposition Exhibit No.  
11 1 was marked for  
12 identification.)

13 (Whereupon, at 9:21 a.m., the  
14 deposition of BARBARA KREISMAN  
15 was adjourned.)

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CERTIFICATE OF NOTARY PUBLIC  
DISTRICT OF COLUMBIA

I, Thomas R. Brezina, the officer before whom  
the foregoing deposition was taken, do hereby certify  
that the witness whose testimony appears in the  
foregoing pages was duly sworn; that the foregoing  
transcript is a true and accurate record of the  
testimony given by said witness.

I further certify that I am not related to  
the witness or counsel; that I have no interest in  
the outcome of this case.

Given under my hand this 23 day of May  
1996.



NOTARY PUBLIC

My Commission Expires:  
October 14, 1998



Paul Gordon 1/2, Penderis 1/2

EXHIBIT

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AUG 14 1996

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Applications of )

RAINBOW BROADCASTING COMPANY )

For an extension of time )  
to construct )

and )

For an Assignment of its )  
construction permit for )  
Station WRBW(TV), Orlando, Florida )

TO: The Honorable Joseph Chachkin  
Administrative Law Judge

GC Docket No. 95-172  
File No. BMPCT-910625KP  
File No. BMPCT-910125KE  
File No. BTCCT-911129KT

PRESS BROADCASTING COMPANY, INC.  
HEARING EXHIBIT

NO. 20

Transcript of Deposition  
of Barbara A. Kreisman  
conducted May 23, 1996

Federal Communications Commission	
Docket No. <u>GC-95-172</u>	Exhibit No. <u>20</u>
Presented by <u>Harry Cole, Esq./Pam Bush</u>	
Disposition	Identified <u>X</u>
	Received <u>X</u>
	Rejected <u>      </u>
Reporter <u>Patterson, Percy</u>	
Date <u>7/11/96</u>	



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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

AUG 14 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

----- x  
: IN RE: Applications of : GC Docket No.  
: Rainbow Broadcasting Company : 95-172  
: for an extension of time to : File Nos.  
: construct and for an assignment : BMPCT-910625KP  
: of its construction permit for : BMPCT-910125KE  
: Station WRBW (TV), Orlando, : BTCCT-911129KT  
: Florida. :  
: :  
----- x

Washington, D.C.

Thursday, May 23, 1996

Deposition of

BARBARA KREISMAN

a witness of lawful age, taken on behalf of  
Press Broadcasting Company, Inc., in the  
above-entitled action, before Thomas R.  
Brezina, notary public in and for the District  
of Columbia, in the offices of the Federal  
Communications Commission, 1919 M Street, Room  
314, Washington, D.C., commencing at  
9:07 a.m., when were present on behalf of the  
following parties:

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